

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|----------------------------------|---|---------------------------------------|
| MOTOROLA, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| LEMKO CORPORATION, XIAOHONG |) | |
| SHENG, SHAOWEI PAN, HANJUAN JIN, |) | |
| XIAOHUA WU, XUEFENG BAI, |) | |
| NICHOLAS LABUN, BOHDAN PYSKIR, |) | |
| HECHUN CAI, JINZHONG ZHANG, |) | |
| ANGEL FAVILA, ANKUR SAXENA, |) | Case No. 08 CV 5427 |
| RAYMOND HOWELL, FAYE VORICK, |) | |
| and NICHOLAS DESAI, |) | |
| |) | |
| |) | |
| |) | |
| Defendants. |) | Judge Matthew F. Kennelly |
| |) | |
| * * * * * |) | Magistrate Judge Geraldine Soat Brown |
| LEMKO CORPORATION, SHAOWEI PAN, |) | |
| XIAOHUA WU and XIAOHONG SHENG, |) | |
| |) | |
| Counter-Plaintiffs, |) | |
| |) | |
| v. |) | |
| MOTOROLA, INC., |) | |
| |) | |
| Counter-Defendant. |) | |

**MOTOROLA INC.’S MOTION TO SEEK LEAVE TO DESTROY DOCUMENTS
PRODUCED BY HUAWEI TECHNOLOGIES CO., LTD.**

Plaintiff Motorola, Inc. (n/k/a Motorola Solutions, Inc., and hereafter referred to as “Motorola”), by and through its attorneys, hereby respectfully requests that the Court enter an order to permit Motorola to destroy documents produced by Huawei Technologies Co., Ltd.

(“Huawei”) in the above-referenced litigation. In support of its motion, Motorola states as follows:

1. On July 16, 2010, Huawei was named as a defendant in the above-referenced litigation.
2. Pursuant to discovery requests propounded by Motorola, Huawei produced approximately 24 volumes of documents to both Motorola, and Lemko Corporation and the Individual Defendants (“Lemko”).
3. Pursuant to settlement negotiations between Motorola and Huawei, in February 2011, Huawei produced to Motorola financial statement information for Softswitch and Push-to-Talk technologies. These documents were not produced to Lemko.
4. On May 24, 2011, the Court granted Motorola and Huawei’s Joint Motion to Dismiss Huawei With Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), all matters in controversy between them having been settled, compromised, and adjourned, and no other claims or counterclaims involving Huawei being in issue.
5. Pursuant to Huawei’s dismissal, Motorola seeks to destroy the documents Huawei has produced in this litigation.
6. The Protective Order in this matter dated April 3, 2009 does not address document destruction upon the dismissal of fewer than all parties to the litigation due to settlement. As such, there is currently no mechanism by which the parties may destroy documents pursuant to settlement with or dismissal of fewer than all parties to the litigation.
7. This Motion is made in good faith and not for purposes of delay.

WHEREFORE, Plaintiff Motorola respectfully requests that this Court enter an order to permit Motorola to destroy documents produced by Huawei in the above-referenced litigation.

Date: July 18, 2011

Respectfully submitted,

By: /s/ Maureen L. Rurka

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CERTIFICATE OF SERVICE

The undersigned certifies that **MOTOROLA INC.'S MOTION TO SEEK LEAVE TO DESTROY DOCUMENTS PRODUCED BY HUAWEI TECHNOLOGIES CO., LTD** was filed electronically in compliance with the General Order on Electronic Case Filing, Section III(B)(1). As such, these documents were served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 5.9.

Date: July 18, 2011

/s/ Maureen L. Rurka

Attorney for Plaintiff Motorola, Inc.